

(b) of such gravity that the patient (after receiving all reasonably available treatment) would enjoy no worthwhile quality of life.

3) In considering whether the disability is of such a character as that referred to in s.2(ii)(b) of this Act the two medical practitioners shall be required to take into account:

(i) The degree of pain and suffering (both mental and physical) likely to be encountered by the patient should his life be prolonged

(ii) the ability and willingness of the parents of the patient to provide the care and facilities appropriate to the patient's condition

(iii) the likely effect on the mental and physical health of the parents and other members of the patient's family of the need to provide such care and facilities to the patient during his probable lifetime

(iv) the likely treatment and conditions which would be available to the patient in the event of failure by his family to provide such care and facilities

(v) the additional pain and suffering likely to be encountered by the patient arising from the need for frequent and repeated surgery required to preserve life

(vi) the likely ability of the patient

(a) to communicate

(b) to be aware of his surroundings and his condition

(c) to perform unassisted at least some basic bodily functions

(e) to achieve a degree of mobility taking into account

the use of such artificial aids as are normally available to disabled people.

4) Nothing in this Act shall entitle the medical practitioner to withhold food or sustenance from the patient unless in the opinion of the practitioner formed in good faith the provision of such food or sustenance shall directly increase the degree of pain and suffering occasioned by the patient.

5) No person having a conscientious objection to the cessation of treatment authorised by this Act shall be under any duty to sign a certificate under s.2(ii) aforesaid.

6) (Definitions of 'medical practitioner' and 'paediatrician' etc).

(Commentary begins on page 18)

## References and footnotes

- (1) British Medical Association (BMA) *Handbook on ethics*. 32, para 5, entitled Severely malformed infants.
- (2) R v Gibbins and Proctor (1918) 13 Cr App (Court of Appeal) 134
- (3) R v Instan (1893) 1 QB 450. See also R v Stone (1977) QB (Queen's Bench) 354.
- (4) Re B (A Minor) 1981 Weekly law reports 1421 CA.
- (5) Since this article was first published, in *The Law Society's gazette*, the Attorney-General has chosen not to refer any questions to the Court of Appeal in that he has felt that the law on murder and manslaughter was clear and that the Arthur case turned on its own facts.

## News and notes

### MA in practical reasoning at Essex University

The University of Essex invites applications for an MA in Practical Reasoning. The degree is made up of courses in: General philosophy (action, rationality and morality); Justice, rights and obligations; Colloquium in practical reasoning, and a dissertation.

Since the positivist denunciation of value judgments as 'literally meaningless', say the organisers, studies of reasoning in ethics, law and politics have seldom been brought together or connected. But the publication recently of books such as H L A Hart's *Concept of Law* and J Rawls's *A Theory of Justice* has revived a concern with the fundamental features of practical reasoning of various types. One sign of this influence is the increasing body of philosophical work devoted to discussing practical moral, social and legal problems. The quality of such discussions, however, depends crucially on an

awareness of underlying philosophical concerns. Therefore, besides attending to these discussions the MA aims at a systematic study of the nature of the various types of practical thought, including prudential and moral reasoning as well as reasoning about public policy and legal issues.

Applications are welcome from those with undergraduate degrees in philosophy and other relevant disciplines such as politics and law.

Applicants who are not considered fully prepared for the MA can be offered admission to a qualifying year of study and applications to study on a part-time basis will be received sympathetically. For further information and application forms write to: Director of Graduate Studies, Department of Philosophy, University of Essex, Wivenhoe Park, Colchester, Essex CO4 3SQ.